

## **REMARKS/ARGUMENTS**

### **Introduction:**

Applicants express appreciation to the Examiner for the teleconferences with Applicant's representative William Ralston (Reg. No. 55,561) on April 13, 2010 and May 3, 2010. During the teleconference, agreement was reached that independent claim 2 would be allowable if amended to include the features similar to independent claim 18. The Examiner, however, indicated that an after-final amendment would not be considered due to the differing claim scope, and thus a Request for Continued Examination would be necessary for entry of such an amendment.

Claim 2 is amended accordingly herewith. Claims 2, 3, 6-11, 18, 21, 44, 48, and 55-58 remain pending in the application. (Claims 1, 4, 5, 12-17, 19, 20, 22-43, 45-47, 49-54, and 59-63 were previously canceled.) Applicants respectfully request reconsideration of the application.

### **Double Patenting:**

Claims 2 and 18 were rejected on the ground of non-statutory obvious-type double patenting in the Final Office Action of October 14, 2009.

In the Panel Decision of April 7, 2010, claim 18 has been allowed, accordingly the rejection was withdrawn.

Claim 2 has been amended to contain similar features as to claim 18. Accordingly, the rejection of claim 2 is now believed to be moot.

### **Prior Art Rejections:**

Claims 2, 3, 6-11, 18, 21, 44, 48, and 55-58 were rejected under 35 USC 103(a) as obvious in view of US Published Patent Application No. 2001/0038612 to Vaughn et al. and US Patent No. 6,385,758 to Kikuchi et al.

In the Panel decision of April 7, 2010, claim 18 has been allowed, accordingly, the rejection was withdrawn. Claims 21, 48, 57 and 58 are dependent from claim 18, and therefore are also allowable for at least the same reasons that claim 18 is allowable.

Claim 2 has been amended to recite similar features to claim 18. Claim 2 is therefore allowable for at least the reasons as for claim 18. Accordingly, the rejection of claim 2 is now

believed to be moot. Claims 3, 6-11, 44 and 55-56 are dependent from claim 2, and therefore are also allowable for least the same reasons that claim 2 is allowable.

**Allowable Subject Matter:**

Applicants express appreciation to the Examiner and the Panel for the allowance of claims 18, 21, 57 and 58 in the Panel Decision of April 7, 2010. Claim 48 is dependent from claim 18, and therefore also believed to be allowable.

**Conclusion:**

In view of the foregoing, Applicants submit that all of the claims are allowable and the application is in condition for allowance. If at any time the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (801) 426-2118.

Respectfully submitted,

Date: May 6, 2010

By /William T. Ralston/  
Dr. William T. Ralston  
Reg. No. 55,561

Kirton & McConkie  
P.O. Box 45120  
Salt Lake City, Utah 84145-0120  
Telephone: (801) 426-2100  
Fax: (801) 321-4893